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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,085	11/03/2003	Frank Monroe Pleasants		9897

7590 07/11/2005

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EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,085

Applicant(s)

PLEASANTS, FRANK MONROE

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/3/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

In the specification, on page 8, second paragraph, line 4 of that paragraph, it appears that "22" should be --22a and 22b--.

The drawings are objected to because Figure 3 shows grooves in column 30 and Figure 4 fails to show the grooves as disclosed in the specification and as shown in Figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. In claim 1, line 7, it appears that —a—should be inserted after “at”. In claim 1, line 8, it appears that “structural” should be deleted. In claim 1, line 9, it appears that —a—should be inserted after “around”. In claim 1, line 11, it appears that —a—should be inserted after “at”. In claim 1, line 12, it appears that “structural” should be deleted. In claim 1, line 12, it appears that —a—should be inserted after “at”. In claim 1, line 13, there is a lack of antecedent basis for “the body”. In claim 1, lines 15-16, there is a lack of antecedent basis for “said compressive member”. In claim 1, line 17, the phraseology “such as” is indefinite and fails to positively recite the claimed invention. In claim 2, line 2, the phraseology “it” is not readily understood by the Examiner. Specifically, what does “it” refer to? In claim 2, lines 6, 7, 9, 11; and claim 3, line 6, it appears that “structural” should be deleted since the applicant merely recites “clamping levers” and not “structural clamping levers”. In claim 2, line 10, it appears that “the” should be —a--. In claim 2, line 11, it appears that —plate—should be inserted after “cover”. In claim 3, line 2, it is not readily apparent to the Examiner if “a structural member” is the same “structural member” as recited in claim 1, lines 3-4. In claim 3, line 4, the applicant recites “said structural member”, if there are two structural members then which one does this refer to? In claim 3, line 4, it appears that “paire” should be —pair--. In claim 3, line 5, there is a lack of antecedent basis for “said angles”. In claim 3, lines 8-9, the phraseology “of opening in matched spacing with guide holes” is not readily understood by the Examiner. In claim 3, line 9, it appears that —said—should be inserted after “by”. In claim 3, line 10, it appears that “assembly” should be —assemblies--. In claim 3, line 10, it appears that “is” should be —

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are--. In claim 3, line 11, it appears that --said--should be inserted after "of". In claim 3, line 11, it appears that --corresponding--should be inserted before "guide". In claim 3, line 11, it appears that "hole" should be --holes--. In claim 3, line 12, it appears that --a--should be inserted before "base". In claim 3, line 12, there is a lack of antecedent basis for "said angle bracket". In claim 3, line 12, it is not readily apparent which "said hole" the applicant refers to, the guide hole or opposing holes? In claim 3, line 12, the phraseology "into said hole in inside wall of opening" is not readily understood by the Examiner.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --


(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claim 1 is further rejected under 35 U.S.C. 102(b) as being anticipated by Jackson et al. (6,195,848). Jackson et al. (6,195,848) disclose an attachment assembly comprising a pair of clamping levers (each of the levers provide a fulcrum and compressive force) having a first end (62) for fixedly attaching to a tension transmitting means (the strap) and a second end (61) for engagement with a structural member, and a concavity between said ends (61 and 62), a ratcheting device (10) having a drum (30) with one of the tension transmitting means (the strap) wrapped there around.

Depending on the applicant's amendments, it appears that claims 2 and 3 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Thorndyke discloses an attachment assembly mounted to a structure similar to that of the applicant's invention. U.S. patent to Doty discloses a structure similar to that of the applicant's invention. U.S. patent to Elsner discloses a hooked structure assembly similar to that of the applicant's invention. U.S. patent to Ballard discloses a hooked structure similar to that of the applicant's invention. U.S. patent to Sutton discloses a clamping assembly for panels. U.S. patent to Engi discloses a clamping assembly used as a closure. U.S. patent to Govenale discloses a strap used in combination with a closure. U.S. patent to Pena discloses a strap used in combination with a closure. U.S. patent to Bingham discloses a strap and closure assembly similar to that of the applicant's invention. U.S. patent to Sowle discloses an attachment to an outside of a closure similar to that of the applicant's invention. U.S. patent to Satz et al. disclose an attachment to a window assembly similar to that of the applicant's invention.

Any inquiry concerning this communication should be directed to Jerry Redman at telephone number 571-272-6835.


Jerry Redman
Primary Examiner